United Nations ST/AI/1999/5

Secretariat

27 May 1999

Administrative instruction

Retention in service beyond the age of retirement and employment of retirees

The Under-Secretary-General for Management, pursuant to section 4.2 of Secretary-General's bulletin ST/SGB/1997/1, promulgates the following to establish conditions concerning retention in service beyond retirement age pursuant to the exception provided in staff regulation 9.5, and to implement the provisions of General Assembly decision 51/408 of 4 November 1996 and of General Assembly resolution 53/221 of 7 April 1999 concerning employment of retirees:

I. Retention in service beyond mandatory retirement age

Section 1
General

1.1 Retention in service of staff members beyond retirement age is an exception to the provisions of staff regulation 9.5, which may be approved by the Secretary-General only when it is in the interest of the Organization. The Secretary-General's authority to retain staff members in service beyond the mandatory age of retirement of 60 years, or 62 years in the case of staff appointed on or after 1 January 1990, shall be exercised as provided in this instruction.

1.2 Decisions to retain staff members at the Assistant Secretary-General level and above in the interest of the Organization shall be made personally by the Secretary-General. Decisions relating to all other staff members shall be made in accordance with sections 2 to 4 below.

Section 2
Criteria and conditions for retention of staff appointed under the 100 series of the Staff Rules

2.1 Retention beyond retirement age for a staff member appointed under the 100 series of the Staff Rules, up to and including at the D-2 level, may be granted provided:

(a) It has not been possible to identify a qualified candidate to discharge the functions of the post in a timely manner, and

(b) Retention of the staff member is in the interest of the Organization due to the exigencies of the service concerned.

2.2 The above criteria may be applied more flexibly to language staff not subject to the system of desirable ranges, and to staff in the General Service and related categories with special technical skills, provided however that the operational needs of the Organization are balanced against the potentially negative effect of the retention on the career development or the redeployment opportunities of other staff members.

2.3 If a staff member is retained, it shall be for the minimum time required for the replacement of the staff member concerned, and shall not normally exceed six months after that staff member has reached the mandatory retirement age.

2.4 During the period of retention, the staff member shall continue to be a participant in the United Nations Joint Staff Pension Fund until his or her separation from service.

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Section 3
. Procedure for retention of staff appointed under the 100 series of the Staff Rules

3.1 For succession planning purposes, departments and offices are requested to regularly identify staff appointed under the 100 series of the Staff Rules who are due to retire within a period of twelve months.

3.2 Heads of departments and offices shall inform the Office of Human Resources Management, or the local personnel office for locally recruited staff, of every foreseen vacancy at least six months before the post becomes vacant, and of all other vacancies as soon as they occur. Unless the post to be vacated is to be filled by lateral transfer within the department or office, or by competitive examination, a vacancy announcement shall be issued for all vacant posts, in accordance with the provisions of administrative instruction ST/AI/1997/7.

3.3 If it has not been possible to replace in a timely manner a staff member due to retire, the department or office concerned may request that the staff member be retained beyond retirement age, explaining why he or she could not be replaced in a timely manner, and providing information necessary to determine whether the conditions set out in section 2.1 are met.

3.4 Requests for retention of staff members at the D-2 level shall be submitted to the Under-Secretary-General for Management, through the Assistant Secretary-General for Human Resources Management, for decision to be taken by the Secretary-General.

3.5 Requests for retention of staff members in the Professional category and at the D-1 level, and of staff members in the General Service and related categories administered by Headquarters, shall continue to be reviewed by the Superannuation Committee at Headquarters, which shall submit its recommendation to the Assistant Secretary-General for Human Resources Management, for decision.

3.6 Requests for retention of staff members in the General Service and related categories administered by the Economic Commission for Africa, the Economic Commission for Latin America and the Caribbean, the Economic and Social Commission for Asia and the Pacific, the Economic and Social Commission for Western Asia, the United Nations Office at Geneva, the United Nations Office at Nairobi and the United Nations Office at Vienna shall be reviewed by an appropriate local joint body, which shall submit its recommendation to the Head of Office concerned, for decision.

Section 4
Project personnel appointed under the 200 series of the Staff Rules

Project personnel appointed under the 200 series of the Staff Rules may be retained beyond retirement age on an exceptional basis, provided their extension is in the interest of the Organization and justified by the continuing need for their technical expertise. The decision shall be made by the head of the department or office who has the delegated authority to appoint such personnel.

II. Employment of retirees

Section 5
General conditions and contractual arrangements

5.1 Former staff members above the mandatory retirement age of 60, or 62 for staff appointed on or after 1 January 1990, shall not be employed by the Organization, unless:

(a) The operational requirements of the Organization cannot be met by staff members who are qualified and available to perform the required functions;

(b) The proposed employment would not adversely affect the career development or redeployment opportunities of other staff members, and represents both a cost-effective and operationally sound solution to meet the needs of the service.

When such employment is approved, it shall begin only after a period of at least three months has elapsed since the date of retirement of the staff member.

5.2 In deciding whether to employ a retiree, due regard shall be given to the requirements of geographical and gender balance.

5.3 No retiree may be employed without a prior medical clearance.

5.4 Provided the above conditions are met, such former staff may be re-employed under the following contractual arrangements:

(a) For service specifically with a United Nations mission or to replace staff on mission service under a 300 series appointment of limited duration or a 100 series appointment, as appropriate;

(b) For service as technical cooperation personnel under a 200 series appointment;

(c) For conference and other short-term service under a 300 series short-term appointment;

(d) As an individual contractor or as a consultant under a special service agreement, in accordance with the conditions of administrative instructions ST/AI/295 and Amend.1 and ST/AI/296 and Amend.1.

5.5 Former staff members above age 55 who have not reached mandatory retirement age may be employed under one of the contractual arrangements enumerated in section 5.4 subject to the following conditions:

(a) At least three months have elapsed since their retirement at or after age 55. This limitation shall not apply in the case of reinstatement under staff rule 104.3 (b);

(b) In cases of agreed termination, after the period during which the relevant agreement precludes re-employment or, in the absence of a specific clause, after a period of three years from the date of separation from service.

Section 6
Restrictions concerning former staff in receipt of a pension benefit

6.1 Employment of all former staff who are in receipt of a pension benefit from the United Nations Joint Staff Pension Fund, shall be subject to the following restrictions:

(a) Such staff may not receive compensation of more than 22,000 United States dollars per calendar year, with the exception of language-services staff for whom the monetary ceiling shall be 40,000 United States dollars per calendar year;

(b) Their period of service shall not exceed six months per calendar year;

(c) They may not be re-employed at a level higher than that at which they separated from the organization concerned; and

(d) They shall not be remunerated at a level higher than that at which regular staff are remunerated for the same function at the same duty station.

6.2 The limits of US$ 22,000 and US$ 40,000, set out above, shall apply to:

(a) Gross salary, less staff assessment, in the case of former staff employed under a letter of appointment;

(b) Gross amount of the stipulated fee in the case of former staff employed under a special service agreement.

Amounts other than those for direct compensation of services rendered, such as travel costs, daily subsistence allowance and other per diem payments, are not included in the amounts to which the limits are applied.

6.3 Former staff members employed under contractual arrangements which involve re-entry into the United Nations Joint Staff Pension Fund shall not be subject to the restrictions set out in section 6.1.

Section 7
Retirees from other common system organizations

Retirees from another common system organization may exceptionally be employed in the absence of qualified and available non-retiree candidates, as well as of qualified and available United Nations retiree candidates, provided the conditions in sections 5 and 6 of the present instruction are met.

Section 8
Final provisions

8.1 The present administrative instruction shall enter into force on 1 June 1999.

8.2 Administrative instruction ST/AI/213/Rev.1 of 18 July 1984 is hereby abolished.

(*Signed*) Joseph E. **Connor**
Under-Secretary-General for Management